

IN THE SENATE OF THE UNITED STATES.

JUNE 21, 1882.—Ordered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 2960.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1009) to authorize the sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, have considered said bill, and report thereon as follows:

The Menominee tribe of Indians occupy a reservation in Shawano County, Wisconsin. Some portion of this reservation is covered with valuable pine timber. Some tracts of this timber are so situated that they are very liable to be injured or destroyed by fire. In the last few years the forest fires have destroyed a portion of said timber, and it is only a question of a few years when from the same cause most of the value of the timber will be lost to the Indians. The trees in other tracts are old, have attained their growth, and are now going to decay. There can be no question but it will be for the interest of the Indians that the timber be sold on these tracts.

The bill authorizes the Secretary of the Interior to cause to be appraised and sold the timber on such portion of the reservation as may be deemed for the interest of the tribe, excepting the sixteenth sections, which have been reserved to the State of Wisconsin for school purposes. It provides, further, that the timber shall be appraised by two or more disinterested appraisers, to be selected and appointed by the Secretary of the Interior, in eighty-acre lots according to the public survey; provided, that such appraisal shall not include any growing tree or trees of less than twelve inches in diameter at the butt, and shall be made with the express understanding that the tops and refuse of timber to be cut shall be reserved for the use of the Indians.

The bill provides further, that the appraisal shall state the quantity, quality, and value of the pine timber growing on each lot. It provides further, that this appraisal shall be returned to the land office at Menasha, Wis., and shall be subject to public inspection for at least sixty days before the day appointed for the sale of the timber.

Section 2 of the act provides that the timber appraised shall be advertised for sale by notice of not less than two months, to be published in at least three newspapers in said district; that it shall be offered at public auction at such suitable place as may be designated by the Secretary of the Interior within the Green Bay Agency to the highest bidder, in lots not exceeding eighty acres, but shall not be sold at less than the appraised value.

The bill provides further that all of said timber remaining unsold at the expiration of one year after it shall have been offered, shall be again advertised and offered at public auction, as previously provided, at not less than the appraised value thereof, and that in all cases the timber shall be sold for cash only.

Section 3 provides that if the Secretary of the Interior shall deem it for the best interests of the Indians he shall authorize the Indian agent to employ the Indians to cut all or any portion of said timber into logs, and haul the same to the bank of the rivers, in lieu of selling the timber as otherwise provided for, said logs to be sold in such manner as the Secretary of the Interior shall determine.

By section 4 the sum of \$5,000 is appropriated out of the Treasury to pay the expenses connected with such appraisal and sale. These expenses are to be reimbursed to the Treasury from the first proceeds of the sale of the timber.

Section 5 provides that this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the office of the Commissioner of Indian Affairs that the sales of timber authorized by the act have the sanction of the tribe, evidenced by orders or agreement taken in full council.

It was decided by the Supreme Court of the United States, in the case of *Beecher vs. Weatherby* (5 Otto, p. 517), that the State of Wisconsin is entitled to every section 16 within the limits of the said Menominee Reservation.

It is in accordance with this decision that the bill excepts the sixteenth section from the operations of the bill. The bill leaves the whole matter in the hands of the Secretary of the Interior. The timber is to be sold or not sold as he determines. The original bill was referred to the Commissioner for Indian Affairs. He suggested various amendments. These amendments have been incorporated in a new bill. The committee therefore recommend that the original bill be indefinitely postponed, and they report a new bill from the committee and recommend the passage of this new bill.